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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,819	09/26/2003	Charles R. Harrison	020366-092500US	8932

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EXAMINER

TRAN, QUOC DUC

ART UNIT PAPER NUMBER

2643

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,819

Applicant(s)

HARRISON, CHARLES R.

Examiner

Quoc D. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adari et al (5,353,327) in view of Masor (4,796,289).

Consider claim 17, Adari et al teach a method for detecting line status within a customer premises, the steps comprising: detecting an absence of a dial tone of a telephone line (col. 3 lines 56-57); viewing a demarcation device located at a demarcation location on the customer premises, wherein the demarcation device is integrated with a dial tone tester (col. 4 lines 47-64) and is connected to a connection interface (col. 4 lines 19-23); determining a status from the dial tone tester (col. 4 lines 47-64); disconnecting inside wiring from the connection interface (col. 6 lines 39-40); and determining the line status within the customer premises or outside of the customer premises (col. 6 lines 4-6).

Adari et al did not suggest *disconnecting one of a plurality of inside wiring* from the connection interface. However, Masor suggested such (col. 4 lines 5-9).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Masor in t view of Adari et al in order to test each circuit to determine whether fault exist in the CPE or in service provider.

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3. Claims 1-4,7-12, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adari et al (5,353,327) in view of Urban et al (6,904,130).

Consider claim 1, Adari et al teach a system for determining a status of a telephone line (col. 1 lines 5-15), the system comprising a demarcation device associated with a customer premises (col. 2 lines 30-35); a dial tone tester integrated with the demarcation device (col. 2 lines 35-41; col. 5 lines 60-63); and a signal carrier extending from the demarcation device to an interface, wherein the interface is operable for attachment to a customer premises equipment (col. 3 lines 16-35).

Adari et al did not where the interface operable for attachment to a plurality of inside wiring that provides for coupling of the demarcation device with a plurality of customer premises equipment. However, Urban et al suggested such (col. 4 line 15 – col. 5 line 15).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Urban et al into view of Adari et al in order to provide a unitary test unit thereby reducing cost as well as spaces in the network interface.

Consider claim 2, Adari et al teach wherein the dial tone tester comprises: a visual device; and a voltage dividing circuit, wherein the voltage dividing circuit accepts a signal-in voltage and provides a signal-out voltage (col. 4 lines 47-64).

Consider claim 3, Adari et al teach wherein the dial tone tester is operable to visually indicate the status of the telephone line (col. 4 lines 47-64).

Consider claim 4, Adari et al teach wherein the visual device indicates an active status of the telephone line (col. 4 lines 47-64).

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Consider claim 7, Adari et al teach wherein the visual device is a light emitting diode (col. 1 line 57-58; col. 4 lines 47-49).

Consider claim 8, Adari et al teach wherein the visual device is a dual light emitting diode (col. 4 line 47-64, noted indicators 221, 222, 223 and 224).

Consider claim 9, Adari et al teach wherein the visual device is a liquid crystal diode (col. 4 lines 47-64).

Consider claim 10, Adari et al teach wherein the dial tone tester comprises an audible device (col. 5 lines 4-15).

Consider claim 11, Adari et al teach wherein the dial tone tester is operable to audibly indicate the status of the telephone line (col. 5 lines 4-15; lines 60-63).

Consider claim 12, Adari et al teach wherein the audible device indicates an active status of the telephone line (col. 5 lines 4-15).

Consider claim 16, Adari et al teach a demarcation device (col. 1 lines 5-15), comprising: an integrated circuit, wherein the integrated circuit accepts upstream (i.e., from CO) voltage and provides downstream (i.e., within CPE) voltage (col. 2 lines 30-41); a connection operable to couple the upstream voltage with a telecommunications network (col. 3 lines 28-30); a connection interface operable to couple the downstream voltage with a customer premises equipment (col. 3 lines 27-28); a first circuit for communicating information between the integrated circuit and the telecommunications network via the upstream voltage; a second circuit for communicating information between the integrated circuit and the customer premises equipment via the downstream voltage (col. 4 lines 19-28); and an integrated dial tone tester (col. 4 lines 29-64).

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Adari et al did not wherein the connection interface operable to couple with a plurality of customer premises equipment. However, Urban et al suggested such (col. 4 line 15 – col. 5 line 15).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Urban et al into view of Adari et al in order to provide a unitary test unit thereby reducing cost as well as spaces in the network interface.

Consider claim 18, Adari et al teach a method for detecting line status within a customer premises, the steps comprising: receiving an inquiry originating from a customer premises (col. 3 lines (col. 6 lines 23); sending a signal to a demarcation device located at the customer premises (col. 6 lines 23-35), wherein the demarcation device is integrated with a dial tone tester (col. 2 lines 30-40); and receiving a response originating from the customer premises, wherein the response indicates a status of the dial tone tester (col. 11 lines 3-13).

Adari et al did not where the demarcation device connected to the connection interface providing for coupling to a plurality of inside wiring. However, Urban et al suggested such (col. 4 line 15 – col. 5 line 15).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Urban et al into view of Adari et al in order to provide a unitary test unit thereby reducing cost as well as spaces in the network interface.

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4. Claims 5-6 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adari et al (5,353,327) in view of Urban et al (6,904,130) and further in view of Applicant admitted prior art.

Consider claim 5, Adari et al suggested a visual display that enable the user to check the line voltage as well as other conditions (col. 4 lines 47-64). Adari et al did not suggest wherein the visual device is activated when a threshold voltage on the telephone line is greater than forty-three volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that such threshold voltage is required for a proper telephone line voltage.

Consider claim 6, Adari et al suggested a visual display that enable the user to check the line voltage as well as other conditions (col. 4 lines 47-64). Adari et al did not suggest wherein the visual device is deactivated when a threshold voltage on the telephone line is less than forty-four volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that any voltage falls below such threshold voltage will indicate line faults or inadequate line voltage.

Consider claim 13, Adari et al did not suggest wherein the audible device is activated when a threshold voltage on the telephone line is greater than forty-three volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that such threshold voltage is required for a proper telephone line voltage.

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Consider claim 14, Adari et al did not suggest wherein the audible device is deactivated when a threshold voltage on the telephone line is less than forty-four volts. However, Applicant admitted prior that suggested such (page 2 lines 15-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to recognize that any voltage falls below such threshold voltage will indicate line faults or inadequate line voltage.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adari et al (5,353,327) in view of Urban et al (6,904,130) and further in view of Dunn (5,696,810).

Consider claim 15, Adari and Urban et al did not suggest wherein the audible device is a piezoelectric buzzer. However, Dunn suggested such (col. 3 lines 24-28). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to substitute any other types of audio devices in place of speaker in order to generate audible signal thereof.

Response to Arguments

6. Applicant's arguments with respect to claims 1-16 and 18 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments filed with respect to claims 1-16 and 18 have been fully considered but they are not persuasive.

In response to applicant that Urban et al do not suggested of a plurality of inside wirings. Accordingly, the examiner respectfully disagrees with applicant argument. Urban et al disclosed, "a demarcation point is the location where the telephone company deliver telephone signals. The multi-line telephone system interfaces with a demarcation point device to provide service to the customer" (see col. 1 lines 21-39). Thus, the demarcation point is where the telephone company

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wirings interface with the customer premises equipment (telephone system) or wiring(s). As well known in the art that outside wiring referred to telephone lines that belongs to the telephone company and inside wiring referred to lines that belongs to the customer. Urban et al suggested of the method that enable the user (i.e., customer) to determine whether the malfunction telephone line attributed to the equipment of the telephone company side (i.e., outside) or the telephone system of the customer (i.e., inside) (see summary of invention). Thus, Urban et al clearly suggested of the plurality of inside wirings (wirings that belongs to the customer). Therefore, Urban et al clearly read on applicant claimed limitation.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Urban and Adari et al enable user to determine whether the fault belongs to the customer side or to the telephone company side prior request for maintenance services. Thus, both inventions attempt to solve a similar problem. Therefore, it would motivate one of the ordinary skills in the art to combine the references.

In response to applicant argument that there is no reasonable expectation of success that the result in combination of Urban into Adari would provide many dial tones of incoming telephone lines into the MTU of Adari. Accordingly, the examiner respectfully disagrees. Adari

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et al suggested that each MTU maybe installed for each incoming line (see col. 15-40).

Therefore, the combination would not result in many incoming telephone line into one MTU.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

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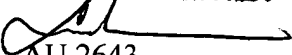
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

QUOCTRAN
PRIMARY EXAMINER


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February 28, 2006